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 HERITAGE PACIFIC FINANCIAL LLC d/b/a HERITAGE PACIFIC FINANCIAL

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

In re:
 HARLAN THOMAS,

 Debtor,

Chapter 7
 Bankruptcy Case No.: 10-40912-A-7
 Adversary Case No: 10-02716-A
 DC#: BAM-1

HERITAGE PACIFIC FINANCIAL,
 LLC d/b/a HERITAGE PACIFIC
 FINANCIAL, a Texas Limited Liability
 Company,

**DECLARATION OF BEN GANTER
 IN SUPPORT OF PLAINTIFF'S
 MOTION FOR DEFAULT
 JUDGMENT**

Plaintiff,

v.

HARLAN THOMAS,

Defendant.

I, Ben Ganter, declare as follows:

1. I am the Director of Client Relations for Heritage Pacific Financial, LLC
 d/b/a Heritage Pacific Financial. I have personal knowledge of the facts stated herein. I am
 familiar with Heritage Pacific Financial's regular course of business and its operations within the
 secondary mortgage market. I participate in the purchase of mortgage notes on the secondary
 market, on behalf of Plaintiff Heritage Pacific Financial.

DECLARATION OF BEN GANTER

1 2. This Declaration is being submitted in support of Plaintiff's request that the court
2 enter a judgment against Defendant.

3 3. As the Director of Client Relations, I serve as Heritage Pacific Financial's custodian
4 of records and do hereby certify that each of the documents produced in support of Plaintiff
5 Request for Entry of Judgment are true and correct copies of the originals, which are and as they
6 are maintained in the records of Heritage Pacific Financial in the ordinary course of its business.

7 4. Heritage Pacific Financial is the current owner and holder of Defendant's loan and
8 promissory note.

9 5. I further certify that the amount of actual damages, as more particularly described in
10 Plaintiff's Complaint and Summary of the Case were sustained by Heritage Pacific Financial as a
11 result of the acts and/or omissions of the Defendant.

12 6. When purchasing loans on the secondary market, Heritage Pacific Financial
13 relies *only* on the information provided on the loan application (otherwise referred to as the 1003
14 Application or Uniform Residential Loan Application).

15 7. When seeking to purchase a note on the secondary market, Heritage relies on
16 the stated income of the borrower, the borrower's assets and debts, occupation, and other real
17 property as set forth on the 1003 Application. The borrower signs an "Acknowledgement and
18 Agreement" representing to the lender, its agents, brokers, processors, attorneys, insurers,
19 servicers, successors and assign that the information provided in this application is true and
20 correct.

21 8. By signing the "Acknowledgement and Agreement" the borrower intends to
22 make these representations to any subsequent note holders, like Heritage Pacific Financial. This
23 acknowledgement and agreement is an essential clause to which Heritage Pacific Financial relies
24 on in purchasing the notes from the Lender. Absent this clause, Heritage Pacific Financial would
25 have no incentive to purchase these notes, and the risk of loss would gravely outweigh the cost.

26 9. Had Heritage Pacific Financial known that the actual income of the borrower was
27 falsely stated on the 1003 Application, Heritage Pacific Financial would not have purchased that
28 note.

DECLARATION OF BEN GANTER

10. Attached as "**Exhibit A**" is a true and correct copy of the Defendant's Uniform Residential Loan Application, otherwise known as 1003 Form, executed by Defendant, the original of which is maintained in the records of Heritage Pacific Financial in the ordinary course of its business.

11. Attached as "**Exhibit B**" is a true and correct copy of the Promissory Note, executed by Defendant, the original of which is maintained in the records of Heritage Pacific Financial in the ordinary course of its business.

12. Attached as **Exhibit "C"** is a true and correct copy of the Deed of Trust regarding real property located at 9688 HOGAN DAM ROAD, VALLEY SPRINGS CALIFORNIA 95252, which proves Defendant obtained said property on or about November 7, 2005.

13. Attached as **Exhibit "D"** is a true and correct copy of property records search results for Calaveras County regarding land located on LAST CHANCE AVENUE, in BURSON CALIFORNIA 95225, which shows Defendant acquired the land on or about May 3, 2005.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct on this 30th day of June, in Plano, Texas.

By: _____
Ben Ganter
Director of Client Relations and Custodian of
Records for Heritage Pacific Financial, LLC. dba
Heritage Pacific Financial

DECLARATION OF BEN GANTER